

1 KAREN P. HEWITT
 2 United States Attorney
 3 DAVID M. McNEES
 4 Special Assistant U.S. Attorney
 5 California State Bar No. 216612
 6 Federal Office Building
 7 880 Front Street, Room 6293
 8 San Diego, California 92101-8893
 9 Telephone: (619) 557-5979
 10 E-mail: david.mcnees@usdoj.gov

11 Attorneys for Plaintiff
 12 United States of America

13 UNITED STATES DISTRICT COURT
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 ONE RESIDENTIAL PROPERTY
 19 LOCATED AT 30220 COOL VALLEY
 20 LANE, VALLEY CENTER, CA, AND
 21 ALL IMPROVEMENTS AND
 22 APPURTENANCES AFFIXED THERETO,

23 ONE RESIDENTIAL PROPERTY
 24 LOCATED AT 681 DOUGLAS AVENUE,
 25 SAN MARCOS, CA, AND ALL
 26 IMPROVEMENTS AND
 27 APPURTENANCES AFFIXED THERETO,

28 ONE RESIDENTIAL PROPERTY
 LOCATED AT 1228 CORTE BELLO,
 SAN MARCOS CA, AND ALL
 IMPROVEMENTS AND
 APPURTENANCES AFFIXED THERETO,

Defendants.

FILED

2007 DEC 14 PM 2:17

CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

BY JCNH DEPUTY

Case No. **07 CV 2342 LAB JMA**

COMPLAINT FOR FORFEITURE

1. For its claim against the defendant real properties, One Residential Property Located at **30220 Cool Valley Lane, Valley Center, CA**, and All Improvements and Appurtenances Affixed Thereto, One Residential Property Located at **681 Douglas Avenue, San Marcos, CA**, and All Improvements and Appurtenances Affixed Thereto, and One Residential Property Located at **1228 Corte Bello, San Marcos, CA**, and All Improvements and Appur-

DMM:mia

1 tenances Affixed Thereto (collectively, "defendant properties"), the United States of America
2 alleges:

3 The 30220 Cool Valley Lane, Valley Center, CA property ("Count One Defendant
4 Property") is more particularly described as:

5 **ASSESSORS PARCEL NO. 133-390-12-00**

6 **PARCEL A:**

7 **PARCEL 3 OF PARCEL MAP NO. 6612, IN THE COUNTY OF SAN**
8 **DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE**
9 **COUNTY RECORD OF SAN DIEGO COUNTY, DECEMBER 01, 1977 AS**
10 **INSTRUMENT NO. 77-496997 OF OFFICIAL RECORDS, BEING A**
11 **PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST**
QUARTER AND A PORTION OF THE NORTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 10 SOUTH,
RANGE 1 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF
SAN DIEGO, STATE OF CALIFORNIA.

12 **PARCEL B:**

13 **AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD AND PUBLIC**
14 **UTILITY PURPOSES, TOGETHER WITH THE RIGHT TO CONVEY TO**
15 **OTHERS FOR ANY FUTURE DIVISIONS OF SAID LAND INCLUDING**
16 **BUT NOT LIMITED TO SAN DIEGO GAS AND ELECTRIC COMPANY**
17 **OVER, UNDER, ALONG AND ACROSS THOSE PORTIONS OF PARCELS**
1, 2 AND 4 OF PARCEL MAP 5018, DESIGNATED AS "PROPOSED 60
FOOT PRIVATE ROAD AND UTILITY EASEMENT" AS SHOWN AND
DELINEATED ON SAID PARCEL MAP NO. 5018.

18 **PARCEL C:**

19 **AN EASEMENT FOR INGRESS, EGRESS, ROAD AND PUBLIC UTILITY**
20 **PURPOSE TOGETHER WITH THE RIGHT TO CONVEY TO OTHERS**
21 **FOR ANY FUTURE DIVISIONS OF SAID LAND INCLUDING BUT NOT**
22 **LIMITED TO SAN DIEGO GAS AND ELECTRIC COMPANY OVER,**
23 **UNDER, ALONG AND ACROSS THE SOUTHERLY 40.00 FEET OF**
PARCEL 4 OF PARCEL MAP NO. 5018, IN THE COUNTY OF
SAN DIEGO, STATE OF CALIFORNIA, AS FILE IN THE OFFICE OF
SAID SAN DIEGO COUNTY RECORDER ON AUGUST 19, 1976 AS
INSTRUMENT NO. 76-269671, OF OFFICIAL RECORDS.

24 **PARCEL D:**

25 **AN EASEMENT FOR INGRESS, EGRESS, ROAD AND PUBLIC UTILITY**
26 **PURPOSES OVER, UNDER, ALONG AND ACROSS THE WESTERLY**
27 **40.00 FEET OF PARCEL 4 OF PARCEL MAP NO. 2282, ACCORDING TO**
28 **THE MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF**
SAN DIEGO COUNTY, CALIFORNIA, ON JANUARY 24, 1974.

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1 **PARCEL E:**

2 **AN EASEMENT FOR INGRESS, EGRESS, ROAD AND PUBLIC UTILITY**
3 **PURPOSES TOGETHER WITH THE RIGHT TO CONVEY TO OTHERS**
4 **FOR ANY FUTURE DIVISION OF SAID LAND INCLUDING BUT NOT**
5 **LIMITED TO SAN DIEGO GAS AND ELECTRIC COMPANY OVER,**
6 **UNDER, ALONG AND ACROSS THOSE PORTIONS OF PARCELS 1, 2**
7 **AND 4 OF PARCEL MAP 6612, DESIGNATED AS "PROPOSED 40.00**
8 **FOOT PRIVATE ROAD AND UTILITY EASEMENT" AS SHOWN AND**
9 **DELINEATED ON SAID PARCEL MAP NO. 6612.**

10 The 681 Douglas Avenue, San Marcos, CA property ("Count Two Defendant Property")
11 is more particularly described as:

12 **ASSESSOR'S PARCEL NO. 226-500-44-00**

13 **LOT 71 OF LANCER PARK UNIT NO. 4, IN THE CITY OF SAN MARCOS,**
14 **COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO**
15 **MAP THEREOF NO. 7437, FILED IN THE OFFICE OF THE COUNTY**
16 **RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 15, 1972.**

17 The 1228 Corte Bello, San Marcos, CA property ("Count Three Defendant Property") is
18 more particularly described as:

19 **ASSESSOR'S PARCEL NUMBER: 218-400-16**

20 **LOT 16 OF SAN MARCOS TRACT NO. 302, PALOMA - AREA 13, UNIT**
21 **NO. 1, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO,**
22 **STATE OF CALIFORNIA, ACCORDING TO MAP THERE OF NO. 12262,**
23 **FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO**
24 **COUNTY, NOVEMBER 10, 1988.**

25 **EXCEPT THERE FROM ALL OIL, GAS, MINERALS, AND OTHER**
26 **HYDROCARBON SUBSTANCES LYING BELOW THE SURFACE OF**
27 **SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS**
28 **PROVIDED IN DEEDS OF RECORD.**

2. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and
1355, Title 21, United States Code, Section 881(a)(7) (forfeiture of property used in any manner
to commit or facilitate the commission of an illegal controlled substances offense) and Title 18,
United States Code, Section 985 (civil forfeiture of real property):

3. Venue is proper pursuant to Title 28, United States Code, Section 1391 because the
defendant real properties are located within the jurisdiction of this Court and the acts which give

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1 rise to the forfeiture of the defendant real properties to the United States occurred within the
2 Southern District of California.

3 4. In November 2006, agents with the Department of Homeland Security received
4 information from a confidential source that one Rex Costales ("Costales") was engaged in the
5 cultivating of marijuana at his residence. The confidential source had provided reliable
6 information to agents in the past. The source indicated that Costales grew the marijuana at his
7 home, in a children's dollhouse located in the back yard. Agents were told that Costales grew
8 about 40 plants at a time. Property records indicated that Costales owned two single-family
9 residences, one located at 30220 Cool Valley Lane in Valley Center, and the other at 681 Douglas
10 Avenue in the City of San Marcos.

11 Agents went to 681 Douglas Avenue and observed an outbuilding at the far southeast
12 corner of the back yard. The outbuilding had blacked-out windows and power running to it from
13 the main residence. There was also another outbuilding on the property; however, the windows
14 of that outbuilding were not blacked out, and gardening tools could be observed inside the
15 building. This was consistent with a marijuana grow based on the agents' training and experience.
16 Agents spoke to a neighbor who indicated that they occasionally smelled the odor of marijuana
17 coming from the direction of 681 Douglas Avenue. They also stated there were guests frequently
18 coming to and from the residence.

19 In February 2007, additional information was received that Costales was currently supplied
20 with marijuana which he was selling for \$4,000.00 a pound. Also in February 2007, agents went
21 to speak with neighbors of the 30220 Cool Valley Lane property. Agents learned there was usually
22 someone at the residence only about once a week. Most of the time Costales came by himself, and
23 did not stay very long.

24 In March 2007, the confidential source identified Costales in a photographic lineup as the
25 individual he knew to sell marijuana. The source stated he had been in the room during one
26 particular sale that month. Additional information was provided that Costales was selling
27 marijuana in April 2007 for \$2,600.00 for one-half pound. It was also relayed that Costales kept
28 the money from his marijuana transactions in his home.

1 Agents issued subpoenas to San Diego Gas and Electric ("SDG&E") and the Valley Center
2 Water District in regard to 30220 Cool Valley Lane. The information obtained indicated an
3 excessive amount of electricity used at the address in relation to the amount of time spent there,
4 and in comparison to nearby homes. The neighboring 30240 Cool Valley Lane is a larger house
5 and has a swimming pool, yet the Costales residence at 30220 Cool Valley Lane routinely used
6 more than twice the electricity. Agents also learned that Costales paid his SDG&E bills in cash
7 at the branch office. The water consumption for the residence was extremely low in comparison
8 to area residences, with only one or two units used every month, compared to eleven to over one
9 hundred units being used by the other residences.

10 Since the initial investigation, agents have conducted several surveillances at 30220 Cool
11 Valley Lane and have always found the appearance of the dwelling to be the same. The shades are
12 drawn, there is no activity around the house, and no observable hours of employment. Based on
13 the agents' training and experience, this is consistent with signs of operating an indoor marijuana
14 operation.

15 On December 13, 2007, agents from U.S. Immigration and Customs Enforcement (ICE),
16 the San Diego County Sheriff's Office (SDSO), and other law enforcement agencies served
17 California State search warrants on residences located at 30220 Cool Valley Lane, Valley Center,
18 County of San Diego, California (Cool Valley Lane property) and 681 Douglas Avenue,
19 San Marcos, County of San Diego, California (Douglas Avenue property). ICE and SDSO officers
20 discovered a sophisticated marijuana cultivation operation inside the Cool Valley Lane property
21 and seized approximately 210 marijuana plants from that location. ICE and SDSO officers seized
22 approximately 37 marijuana plants and a large plastic garbage bag filled with marijuana buds from
23 the Douglas Avenue property. Both houses belong to Rex COSTALES.

24 Prior to serving those search warrants, ICE agents had utilized an electronic tracking device
25 and physical surveillance to monitor the movements of COSTALES and his vehicle. ICE agents
26 observed COSTALES frequently traveling to and from a third residence located at 1228 Corte
27 Bello, San Marcos, County of San Diego, California (Corte Bello property). At approximately the
28 same time, agents observed COSTALES traveling to and from an industrial park which housed a

1 local hydroponics gardening store. Agents suspected that, following the San Diego wildfires in
2 October 2007, COSTALES may have moved a portion of his marijuana growing operation, or
3 started an additional marijuana grow operation, in the Corte Bello property. This property belongs
4 to COSTALES' brother, Melecio COSTALES, and their mother, Erlinda COSTALES.

5 On the morning of December 13, 2007, while agents were serving California State search
6 warrants at the Cool Valley Lane property and the Douglas Avenue property, other ICE agents
7 were conducting surveillance on the Corte Bello property. Following the discovery of the
8 marijuana growing operations at the two properties belonging to Rex COSTALES, ICE agents
9 approached the Corte Bello property. As the agents approached the property, they were greeted
10 by Melecio COSTALES, who had emerged from the residence's open garage door. An ICE
11 special agent immediately smelled the odor of marijuana emanating from the residence.

12 The ICE agents asked for and received consent from Melecio COSTALES to enter and
13 search the Corte Bello property. Upon entering the residence, Melecio COSTALES and the ICE
14 agents walked upstairs to the second floor of the residence. ICE agents again smelled the odor of
15 marijuana. Upon opening the door to an upstairs bedroom, the agents observed marijuana growing
16 equipment. When agents opened the door to the Corte Bello property's master bedroom, they
17 discovered a marijuana cultivation operation.

18 After the ICE agents had discovered the marijuana growing operation, Melecio
19 COSTALES told the agents that he would not sign a consent form allowing them to search the
20 Corte Bello property. He also stated that he wanted to speak with an attorney. At this point, the
21 agents secured the property and sought a California State search warrant for the Corte Bello
22 property. While securing the garage door pending the approval of the search warrant, the agents
23 observed an additional marijuana cultivation operation in the residence's garage.

24 ICE agents and SDSO officers obtained a California state search warrant for the Corte
25 Bello property and conducted a thorough search of the premises. The agents seized 104 plants and
26 various marijuana growing equipment from the Corte Bello property.

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COUNT ONE

30220 Cool Valley Lane, Valley Center, CA

("Count One Defendant Property")

5. Paragraphs 1-4 are hereby realleged and incorporated as a part hereof.

6. On or before December 13, 2007, the Count One Defendant Property was used to commit or facilitate the commission of an illegal controlled substances offense in violation of Title 21, United States Code, Section 881(a)(7).

7. By virtue of the aforementioned acts and premises alleged herein, the Count One Defendant Property is subject to forfeiture under Title 21, United States Code, Section 881(a)(7).

8. The Count One Defendant Property is now and during the pendency of this action in the jurisdiction of this Court.

9. The estimated value of the Count One Defendant Property is approximately \$603,000.

COUNT TWO

681 Douglas Avenue, San Marcos, CA

("Count Two Defendant Property")

10. Paragraphs 1-4 are hereby realleged and incorporated as a part hereof.

11. On or before December 13, 2007, the Count Two Defendant Property was used to commit or facilitate the commission of an illegal controlled substances offense in violation of Title 21, United States Code, Section 881(a)(7).

12. By virtue of the aforementioned acts and premises alleged herein, the Count Two Defendant Property is subject to forfeiture under Title 21, United States Code, Section 881(a)(7).

13. The Count Two Defendant Property is now and during the pendency of this action in the jurisdiction of this Court.

14. The estimated value of the Count Two Defendant Property is approximately \$468,000.

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COUNT THREE

1228 Corte Bello, San Marcos, CA

("Count Three Defendant Property")

15. Paragraphs 1-4 are hereby realleged and incorporated as a part hereof.

16. On or before December 13, 2007, the Count Three Defendant Property was used to commit or facilitate the commission of an illegal controlled substances offense in violation of Title 21, United States Code, Section 881(a)(7).

17. By virtue of the aforementioned acts and premises alleged herein, the Count Three Defendant Property is subject to forfeiture under Title 21, United States Code, Section 881(a)(7).

18. The Count Three Defendant Property is now and during the pendency of this action in the jurisdiction of this Court.

19. The estimated value of the Count Three Defendant Property is approximately \$528,000.

WHEREFORE, pursuant to 18 U.S.C. § 985, the United States does not request authority from the Court to seize the defendant properties at this time. The United States will, as provided by 18 U.S.C. § 985(b)(1) and (c)(1):

- a. post notice of this Complaint on the defendant properties, and
- b. serve notice of this action on the defendant properties' owners along with a copy of this Complaint, and
- c. file lis pendens notices in county records of the defendant properties' status as defendants in this in rem forfeiture action.

The United States will also, as provided in 19 U.S.C. § 1606, appraise the defendant properties.

Title 18 U.S.C. § 985(c)(3) provides that, because the United States will post notice of this Complaint on the defendant properties, it is not necessary for the Court to issue arrest warrants in rem, or to take any other action to establish in rem jurisdiction over the defendant properties.

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1 Title 18, United States Code, Section 985(b)(2) clearly states that "the filing of a lis pendens . . .
2 shall not be considered a seizure under this subsection."

3 DATED: December 14, 2007

4 KAREN P. HEWITT
5 United States Attorney

6 *David McNeess*

7 DAVID M. McNEES
8 Special Assistant U. S. Attorney
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VERIFICATION

I, Jeffrey L. Hall, hereby state and declare as follows:

1. I am a Special Agent with the Department of Homeland Security, U.S. Immigration and Customs Enforcement.

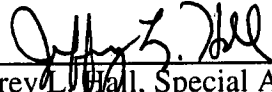
2. I have read the foregoing complaint and know its contents.

3. The information in the complaint was furnished by official government sources.

Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on December 14, 2007.



Jeffrey L. Hall, Special Agent, Department of
Homeland Security, U.S. Immigration
and Customs Enforcement

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

San Diego

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. McNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-5979

DEFENDANTS

FILED
ONE RESIDENTIAL PROPERTY AT 30220 COOL VALLEY LANE, VALLEY CENTER, ET AL. JMA

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED BY _____

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

☒ U.S. Government Plaintiff ☐ Federal Question (U.S. Government Not a Party)

☐ U.S. Government ☐ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(7)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 315 Airplane Product	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 320 Assault, Libel &	<input checked="" type="checkbox"/> 625 Drug Related of Property 21 USC881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce/ICC
<input type="checkbox"/> 150 Recovery of Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal	<input type="checkbox"/> LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 710 Fair Labor Standards	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 865 RBI (405(g))	<input type="checkbox"/> 892 Economic
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Disclosure Act	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. or Defendant)	<input type="checkbox"/> 894 Energy Allocation
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 790 Other Labor	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of
<input type="checkbox"/> 230 Rent Lease &	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 900 Appeal of Fee Under Equal Access to
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 950 Constitutionality of
<input type="checkbox"/> 245 Tort Product	<input type="checkbox"/> PRISONER PETITIONS			<input type="checkbox"/> 890 Other Statutory
<input type="checkbox"/> 290 All Other Real	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Habeas Corpus		
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General		
	<input type="checkbox"/> 443	<input type="checkbox"/> 535 Death Penalty		
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other		
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prisoner Conditions		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See

JUDGE

Docket Number

DATE
12/14/07

SIGNATURE OF ATTORNEY OF RECORD

DAVID M. McNEES, SAUSA